

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT HUGHES,)	
Plaintiff)	
)	
vs.)	Civil Action No. 05-463
)	Judge Arthur J. Schwab/
M. EITNER, C/O I; C. BOWLIN, C/O I;)	Magistrate Judge Amy Reynolds Hay
SGT. BARKEFELT, C/O II; DAVID)	
GRAINEY, C/O IV; LOUIS FOLINO,)	
Superintendent; JEFFERY BEARD, Sect.)	
Of Corr.,)	
Defendants)	Re: doc. 118

ORDER

AND NOW, this 31st day of August, 2007, after the plaintiff, Robert Hughes, filed an action in the above-captioned case, and after a motion for summary judgment was filed by Defendants Louis Folino and Jeffrey Beard, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and plaintiff having filed objections, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion for summary judgment filed by Defendants Louis Folino and Jeffrey Beard is granted;

IT IS FURTHER ORDERED that Plaintiff's Fourth Amendment claims are dismissed as against all defendants pursuant to the screening provisions of the Prison Litigation Reform Act for failure to state a claim.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Robert Hughes
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